

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Shelly Jessica Newton,
Petitioner
v.
State of Nevada, et al.,
Respondents

2:16-cv-02948-JAD-NJK

Order Dismissing and Closing Case

§ 2254 petitioner Shelly Jessica Newton has submitted a petition for a writ of habeas corpus, but she has not submitted an application to proceed *in forma pauperis* or paid the \$5.00 filing fee. I therefore dismiss this action without prejudice to her filing of a new petition in a new action with an application to proceed *in forma pauperis*. It does not appear from Newton's petition that this dismissal will result in a promptly filed new petition being untimely. However, Newton is cautioned that she remains responsible for calculating the statute-of-limitations period and properly and timely commencing a habeas action. Accordingly,

IT IS HEREBY ORDERED that this action is **DISMISSED** without prejudice to Newton's ability to file a new petition in a new action, and the Clerk of Court is directed to CLOSE THIS CASE. Any further filings in this closed case will be summarily denied.

IT IS FURTHER ORDERED that, because reasonable jurists would not find my dismissal of this improperly-commenced action without prejudice to be debatable or wrong, a certificate of appealability is **DENIED**.

1 IT IS FURTHER ORDERED that the Clerk of Court must SEND Newton two copies of this
2 court's approved *in forma pauperis* application form with instructions, two copies of this court's
3 form 28 U.S.C. § 2254 habeas petition with instructions, and one copy of the petition in this case
4 [ECF No. 1].

5 Dated this 20th day of January, 2017.

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7 Jennifer A. Dorsey
United States District Judge
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